



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Amanda Smith  
*Executive Director*

DIVISION OF RADIATION CONTROL  
Rusty Lundberg  
*Director*

**Radiation Control Board**

Peter A. Jenkins, CHP, Ph.D. – *Chair*  
Scott Bird – *Vice Chair*  
Brady Bradford  
Dick Codell, Ph.D.  
Jerry Hurst, Tooele County Commissioner  
Lindsey Christensen Nesbitt, Ph.D.  
Ulrich Rassner, M.D.  
Matt W. Rydalch  
Amanda Smith – *Executive Director*  
Rusty Lundberg, *Executive Secretary*

**MINUTES  
OF  
THE UTAH RADIATION CONTROL BOARD**

**November 12, 2013**

Department of Environmental Quality  
Multi Agency State Office Building  
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

**BOARD MEMBERS PRESENT**

Peter Jenkins, CHP, Ph.D.  
Scott Bird  
Richard Codell, Ph.D.  
Rusty Lundberg, Executive Secretary  
Commissioner Jerry Hurst  
Matt Rydalch  
Brady Bradford  
Lindsey Christensen Nesbitt, Ph.D.  
Amanda Smith, Executive Director DEQ

**BOARD MEMBERS  
ABSENT/EXCUSED**

Ulrich Rassner

**DRC STAFF/OTHER DEO MEMBERS  
PRESENT**

Craig Jones, DRC Section Manager  
Ryan Johnson, DRC Staff  
Lisa Mechem, DRC Staff  
Gwyn Galloway, DRC Staff  
Phil Goble, DRC Section Manager  
John Hultquist, DRC Section Manager  
Loren Morton, DRC Program Manager  
Laura Lockhart, AG Staff

**PUBLIC**

Dan Shrum, EnergySolutions  
Sean McCandless, EnergySolutions

I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the October 8, 2013 Board Meetings

Dr. Peter Jenkins, Chairman asked if any of the Board members had any corrections to the minutes. None were requested.

**MOTION MADE BY COMMISSIONER JERRY HURST TO APPROVE THE MINUTES OF OCTOBER 8, 2013.**

**SECONDED BY MR. MATT RYDALCH**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

III. Administrative Rulemaking

- a. Action on Petition for Rulemaking – Requested changes to R313-22-33 and R313-22-37. Mr. Rusty Lundberg, reviewed Energy Solutions petition for rule making and further explained the statutory and regulatory requirements that apply to rule making petitions, he identified the role of the petitioner and the rule making authority in the proceeding. The staff was instructed by the Board to broaden the scope of the petition by making the change to apply to all licensees making proceedings consistent with intent for the petitioner. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

**MOTION MADE BY COMMISSIONER JERRY HURST TO ACCEPT THE PROPOSED LANGUAGE AND TO DIRECT THE DIVISION STAFF TO FILE THE PROPOSED RULE WITH THE DIVISION OF ADMINISTRATIVE RULES FOR A 30-DAY PUBLIC COMMENT PERIOD.**

**SECONDED BY MR. BRADY BRADFORD**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

- b. Approve for rulemaking and public comment – Proposed changes to R313-38, Licenses and Radiation Safety Requirements for Well Logging.

Mr. Spencer Wickham reviewed R313-38 and requested the rule go out for rule making and 30-day public comment for the proposed change to update the incorporation by reference date from 2008 to 2013 with no further changes at this time.

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

**MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE PROPOSED LANGUAGE TO R313-38 AND TO DIRECT THE DIVISION STAFF TO FILE THE PROPOSED RULE WITH THE DIVISION OF ADMINISTRATIVE RULES FOR A 30-DAY PUBLIC COMMENT PERIOD.**

**SECONDED BY MR. SCOTT BIRD**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

- c. Rulemaking schedule for adopting recent Nuclear Regulatory Commission (NRC) regulations

Mr. Rusty Lundberg gave an update to the board on the Federal regulations, NRC rules, and the letters provided by NRC that required action to match the Federal requirements. Mr. Rusty Lundberg reviewed the rules and times frame given by NRC to implement the rules. Dr. Peter Jenkins, Chairman asked about the status on the draft BTP and Mr. Rusty Lundberg stated it was expected sometime early next year (2014).

- d. Review and Discussion of Preliminary Draft Proposed Changes to R313-26, Generator Site Access Permit Requirements

- i. Report from Board Subcommittee

Dr. Peter Jenkins reviewed the discussion the subcommittee had and the conclusion the subcommittee reached was to accept the proposed language changes as reviewed and discussed by the subcommittee. Mr. Rusty Lundberg suggested since this was a preliminary draft to R313-26, it should go out for scoping, the incoming comments will be directional to a formal rule making. The Board members unanimously agreed to have the rule go out for scoping and to further discuss the rule in January.

**IV. Information Items**

- a. Review of Open and Public Meetings Act, Public Officers' and Employees' Ethics Act, and related DEQ rules - Laura Lockhart did an annual review on important rules and acts that have to be practiced and the penalties associated with them.
- b. Radon Poster Contest update - Mr. John Hultquist gave an update on the Radon poster contest and briefly talked about the success of the Radon program and the winners for the contest—both nationally and statewide.
- c. Uranium Mills
  - i. Energy Fuels Resources – White Mesa Mill
    - 1. Public meetings – Summary report from staff - Mr. John Hultquist, gave an update on the public hearings held in Salt Lake and Blanding, he also gave a brief overview on the dialogue that took place in regards to the license amendment and policy.
- d. Low-level Radioactive Waste

- i. Low-Level Waste Forum Meeting (Oct. 22-23, 2013) – Summary report - Mr. Rusty Lundberg, updated the Board on the success of hosting the Fall LLW Forum meeting that was held in Park City October 22 - 23, 2013 in Park City, Utah. Mr. Lundberg also thanked the Board members for attending the tour of the Clive Facility on Monday, October 21, 2013.
- ii. Depleted Uranium Performance Assessment update
  - 1. Stakeholder Open House – November 13, 2013 - Mr. Rusty Lundberg, informed the Board of an open house meeting that was being held to provide information and overview on what a performance assessment is and its purpose and intent. Mr. Lundberg also extended an invite to the Board to attend the meeting
- e. Other Division Items

#### V. Public Comment

Meeting Adjourned at 1:46 p.m.

#### VI. Next Scheduled Board Meeting: Tuesday, January 14, 2014, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015  
195 North 1950 West  
Salt Lake City, Utah

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Brooke Baker Garrett at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: [bbaker@utah.gov](mailto:bbaker@utah.gov).